



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OCT - 6 2016

Mr. Steve Baggett
Principal Hydrologist
Stantec Consulting Services, Inc
1060 Andrew Drive Suite 140
West Chester, PA 19380

RE: Notification and Certification of Self-Implementing Cleanup and Disposal of PCB Remediation Waste Plan, Track 1 Improvement Project, Maintenance Facility, Amtrak Wilmington Yard, Wilmington, Delaware; No. 2016-61-11

Dear Mr. Baggett:

This letter is in response to Amtrak's notification and certification, dated August 26, 2016, provided to the U.S. Environmental Protection Agency Region III ("EPA") pursuant to the requirements of the *Self-implementing on-site cleanup and disposal of PCB remediation waste* regulation, 40 C.F.R. §761.61(a), and the *Risk-based disposal approval* regulation, 40 C.F.R. §761.61(c). The notification and certification and the amendments were received by EPA on August 30, 2016. The notification and amendment were submitted by Stantec Consulting Services, Inc (Stantec), on behalf of Amtrak, regarding Amtrak's plan to clean up and dispose of polychlorinated biphenyl (PCB) contaminated soil and debris located at the Track 1 Improvement Project (Track 1) area of the Amtrak Wilmington Yard in Wilmington, Delaware.

EPA has reviewed Amtrak's cleanup plan for the Track 1 area of the Amtrak Wilmington Yard and finds that it is consistent with the requirements of 40 C.F.R. §761.61(a) and (c). EPA hereby approves the PCB cleanup plan for the Track 1 area submitted with Amtrak's notification and certification, dated August 26, 2016. This approval provides for a PCB cleanup level of less than or equal to 50 ppm and the use of the existing fencing around the Amtrak Wilmington Yard for securing the PCB contaminated Wreck Track Area. This alternate fencing will not pose an unreasonable risk of injury to health or the environment. The PCB M_L mark must be posted at all visible entrances to the Amtrak Wilmington Yard. This approval is subject to the conditions and limitations set forth in 40 C.F.R. §761.61(a). The approved plan may be modified only in accordance with the procedures described at 40 C.F.R. §761.61(a)(3)(ii).

EPA's approval of Amtrak's Plan does not in any way constitute a finding by EPA that the Track 1 area of the Amtrak Wilmington Yard will be safe or appropriate for any future use, does not insulate the owner or occupant of the property from action under any applicable law, and does not relieve Amtrak, or any other owner or operator of the Track 1 area of the Amtrak Wilmington Yard of its continuing responsibility to comply fully with 40 C.F.R. Part 761. EPA emphasizes that these regulations include several conditions and limitations that apply to persons

performing a PCB cleanup activity subject to 40 C.F.R. §761.61(a). Among other things, the regulations state that “[c]omplete compliance with 40 C.F.R. §761.61 does not create a presumption against enforcement action for penalties for any unauthorized PCB disposal,” 40 C.F.R. §761.50(b)(3)(ii)(B). Further, “[a]ny person storing or disposing of PCBs is also responsible for determining and complying with all other applicable Federal, state, and local laws and regulations,” 40 C.F.R. §761.50(a)(6).

EPA notes that within 60 days of completion of the cleanup activities, Amtrak shall submit to the EPA Region III Land and Chemicals Division Director a certification, signed by the owner of the property, stating that he/she has recorded a notation in the deed to the property. As specified in 40 C.F.R. §761.61(a)(8)(i)(A)(3), the notation should indicate the location and concentration level of the PCB contaminated soils that will be disposed of onsite in the Track 1 area.

EPA is requesting that a brief summary of the completed cleanup activities, including but not limited to, characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; copies of manifests; copies of certificates of disposal or similar certifications issued by the disposer and total amounts of PCB waste disposed, be submitted within 90 days of completion to:

Kelly Bunker (3LC61)
U.S. Environmental Protection Agency
Region III
Land and Chemicals Division
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Any questions concerning this approval or the self-implementing site cleanup plan review should be directed to Kelly Bunker, EPA Region III PCB Coordinator, at (215) 814-2177.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Armstead", written over a horizontal line.

John A. Armstead, Director
Land and Chemicals Division

cc: Ms. Nancy Marker (DNREC)